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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,703	07/25/2003	Ming-Tang Liu	FAM 174	2683

7590 02/09/2007
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Washington, DC 20005

EXAMINER

COOLMAN, VAUGHN

ART UNIT	PAPER NUMBER
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3618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/626,703

Applicant(s)

LIU, MING-TANG

Examiner

Vaughn T. Coolman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 10 and 11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 3/13/2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Mentessi et al (U.S. Patent No. 5,294,141 A).

[claim 1] Mentessi discloses a support, comprising two side frames (70a, 70b), and a width-adjustable bottom frame (38a, 38b, 40) located between said two side frames; said bottom frame having a rear edge pivotally connected (at 36) at two outer ends to said two side frames, so that a front edge of said bottom frame may be raised or lowered to a desired height relative to said rear edge and detachably connected (appears to be connected with nuts and bolts at 36) at two outer ends to said two side frames. Examiner notes that the cross members (72 and 46) of Mentessi are telescopically adjustable in order to adjust the width of the support. The bottom frame cross member (40) must also be telescopic in order to accomplish this adjustability.

Although Mentessi does not disclose the support as being intended to use for a computer case,

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the disclosed invention is inherently capable of being used as such. Applicant has not claimed any structural limitation that indicates how the computer case would be supported by the claimed structural elements.

Allowable Subject Matter

Claims 2-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The combination of a “curved front member being provided at predetermined positions with a plurality of through holes; and said bottom frame being pivotally connected at two outer ends of said rear edge to said two lower members of~ said two side frames, and detachably connected at two outer ends of said front edge to two of said through holes separately on said two front members of said side frames by means of fixing members” positively recited in claim 2 is not found in the prior art of record when considered in combination with all of the limitations of claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Onishi et al (U.S. Patent No. 5,752,738) and Lindenkamp (U.S. Patent No. 6,352,275 B1) teach width adjustable bottom frames located between and pivotally connected to two side frames.

Schutze (U.S. Patent No. 6,425,567 B23) and Edson (U.S. Patent No. 3,570,679) teach a pivoting frame located between two side frames including through holes located in the side frames for maintaining a desired degree of pivot of said bottom frame.

Pauls (U.S. Patent No. 1,193,417) and Agata et al (U.S. Patent No. 6,504,707 B2) teach an adjustment mechanism substantially similar to the instant application.

Yamada (U.S. Patent No. 5,056,672) and Durand et al (U.S. Patent Application Publication No. US 2004/0217677 A1) teach a computer case support including a bottom frame located between two side frames.


Luttrup (U.S. Patent No. 2,230,511) and Hames (U.S. Patent No. 5,295,648) teach adjustable width computer case supports.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


vtc
02/09/07

Travis Coolman
Examiner
Art Unit 3618


2/5/07

PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
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